

Application No. 09/834,208 G.
Thomas Wolf, Inventor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. 09/834,208 Confirmation No. 3950
Filing Date : April 13, 2001 Examiner: M. Mendoza
Applicant: G. Thomas Wolf Art Unit: 3731
For: Oxygen Mask Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Jonathan Van Zile IN SUPPORT
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Jonathan Van Zile, MD FACEP, an Emergency Medicine physician, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as an Emergency Medicine physician for twenty years and my expertise is in EMS services, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorly through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact that the straps do not

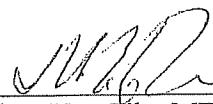
go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,



Jonathan Van Zile, MD FACEP

Date 5-21-07

JONATHAN VAN ZILE, MD, FACEP

Revised 12-06

Current Position: Assistant Professor Department of Emergency Medicine University of Cincinnati, 1998 to present

Home Address: 735 Wakefield Dr., Cincinnati, OH. 45226

Phone: 513-533-3240 (home), 513-317-2630 (voice mail),
513- 558-8086 (office)

Office Address: University of Cincinnati Hospital, Department of Emergency Medicine, 231 Bethesda Ave., Cincinnati, OH. 45267

Date of Birth: March 10, 1955

Citizenship: U.S.A. by birth

Education: Medical University of S.C., Charleston, S.C.
M.D., 1978-1982

University of S.C, Columbia, S.C.
B.S. in Chemistry, 1973-1977

Postgraduate Education: Emergency Medicine Residency
St. Vincent's Hospital, Toledo, OH., 1986-1988
Chief Resident, (1988)

Internship and Residency - Internal Medicine
University of Wisconsin Hospital, Madison, WI. 1982-1985

Board Certification: Emergency Medicine, 1991, 2001
Internal Medicine, 1986

State Medical License: Ohio #053908

Hospital Appointments: University of Cincinnati Hospital,
Emergency Medicine Physician, 1998 –present

Jewish Hospital, Cincinnati, OH.
Emergency Medicine Physician, 1998-present

JONATHAN VAN ZILE, MD, FACEP

Hospital Appointments: The Christ Hospital, Cincinnati, OH.,
(Continued) Emergency Medicine Physician, 1999 to present

Bethesda Hospitals, Cincinnati, OH.,
Emergency Medicine Physician, 1989-1998

Mercy Anderson Hospital, Cincinnati, OH.,
Emergency Medicine Physician, 1988-1989

Mercy Clermont Hospital, Batavia, OH.,
Emergency Medicine Physician, 1988-1989

St. Vincent's Hospital, Toledo, OH.,
Resident Emergency Medicine, 1986-1988,
Chief Resident 1988

University of Wisconsin, Madison, WI.,
Emergency Medicine Instructor and Med Flight Physician,
1985-1986

Hospital Committees: Physician Director Disaster Team Jewish Hospital, Aug.
2002 to present

Chairman Emergency Department Quality Assurance,
Jewish Hospital, Jan. 2001 to present

Member Emergency and Disaster Committee, Cincinnati
Academy of Medicine, 1995 to present

Chairman AMI Clinical Pathways, Bethesda Hospitals,
1996-1997

Education Director PEPCI, 1996-1998

Medical Director Paramedic Training Program, Bethesda
North Hospital, 1995 –1998

JONATHAN VAN ZILE, MD, FACEP

Professional Committees: Medical Director Heart Restart (Cincinnati Public Access Defibrillation initiative), Oct. 2005 to present

Chairman Southwest Ohio EMS Prehospital Care Committee, Dec 1, 2004

Chairman Southwest Ohio EMS Protocol Subcommittee, March 2001 to present

President Cincinnati Emergency Medicine Society, 1996

EMS Affiliations: Medical Director Health Alliance Mobile Care, Jan 2005 to present

Medical Director Hamilton County Communications Center, Jan 2005 to present

Medical Director, Mason Life Squad, 1991 to present

Medical Director, Montgomery Life Squad, 1998 to present

Medical Director, Marimont Life Squad, 2004 to present

Medical Director, Kings Island, 1998 to present

Awards: Golden Apple Award, University of Cincinnati Emergency Medicine Residency, June 2000

Student Research Award, American Federation for Clinical Research, New Orleans, LA., 1981

Graduated Cum Laude, 1977

CRSA outstanding Chemistry Student, 1975

Professional Affiliations: Ohio State Medical Society

American College of Emergency Physicians

Cincinnati Academy of Medicine

JONATHAN VAN ZILE, MD, FACEP

Lectureships: *9-11 My Personal Experience (Sept 12, 2003 Jewish IM Residents and Sept 11, 2002, Jewish Women's Auxiliary)*

Chest Pain Triage for the Emergency Department

Field 12 Lead EKGS (Mason LS Sept 22, 2003)

ACLS Review (July 19, 2003 Jewish IM residents)

Wet vs. Dry-Field Assessment of the SOB Patient (July 21, Mason LS)

Tachycardia Algorithms (Aug 15, 2003 Jewish IM residents)

Recent Publications: Hedges,J, Sechra,R, Van Zile,J.,et.al.,*Automated External Defibrillator Program Does Not Impair Cardiopulmonary Resuscitation Initiative in the PAD* . Acad Emerg Med 13:659-665. 2006.

Van Zile, J. and Emerick, M. *Abdominal Pain in the Emergency Department*. Chapter 5. Emergency Medicine – An Approach to Clinical Problem. 2002, Hamilton and Trott (editors)

Sechra, Ruchir, Van Zile, Jonathan, Hedges, Jerris, McBurnie, Mary Ann. *The Presence of an AED Increases Performance of CPR in the PAD (Public Access Defibrillation) Trial*. 2003. Abstract accepted AHA meeting-Orlando. Fla. Nov 2003.

Perdy, Mary Ann, Van Zile, Jonathan, et al. *Adverse Events Associated with Lay cardiac Arrest Response Program*. 2003. Abstract accepted at AHA meeting- Orlando, Fla. Nov. 2003.

JONATHAN VAN ZILE, MD, FACEP

Research:

PAD (Public Access Defibrillation) Trial, Principal Investigator NIH sponsored, April 2001 -2005.
Crusade Trial, co-Principal Investigator, Jewish Hospital, March 2001 to present

National Registry for MI. Bethesda Hospital, 1997

Assent II - TNK. Bethesda North. 1996, Principal Investigator

Cincinnati Cooperative - Thrombolytics in the Field 1993, Directed by Dr. Keriakas

Middleton V.A. Hospital, Madison, Wisconsin, 1985,
Prostaglandin metabolism in synovial cells.
Directed by Dr. R. Rothenberg

Medical University of S.C., Charleston, S.C., 1980 - 1982,
The effects of diabetic immune complexes on platelets.
Directed by Dr. J. Colwell and Dr. G. Virella

University of S.C., Columbia, S.C., 1976 - 1978,
Glycoprotein metabolism.
Directed by Dr. J. Baynes and Dr. S. Thorpe

Publications:

Hedges,J, Sechra,R, Vanzile,J.,et.al.,*Automated External Defibrillator Program does not Impair Cardiopulmonary Resuscitation Initiative in the PAD* . Acad Emerg Med 13:659-665. 2006.

Van Zile, J. and Emerick, M. *Abdominal Pain in the Emergency Department*. Chapter 5 in Emergency Medicine –An Approach to Clinical Problem Solving. 2002, Hamilton and Trott (editors).

Sechra, Ruchir, Van Zile, Jonathan, Hedges, Jerris, McBurnie, Mary Ann. *The Presence of an AED Increases Performance of CPR in PAD (Public Defibrillation) Trial*. 2003. Abstract AHA meeting Orlando Fla. Nov. 2003.

Perdy, Mary Ann, Van Zile, Jonathan, et al. *Adverse Events Associated with Lay cardiac Arrest Response Program*. 2003. Abstract accepted at AHA meeting- Orlando, Fla. Nov. 2002.

JONATHAN VAN ZILE, MD, FACEP

Publications (cont.):

Van Zile, J., Kilpatrick, M., Laimins, M., Sagel, J., Colwell, J. and Virella, G. *Platelet Aggregation and Release of ATP after Incubation with Soluble Immune Complexes purified from the serum of Diabetic Patients.* Diabetes. 30:575-579, 1981.

Baynes, J.W., Van Zile, J., Henderson, L. and Thorpe, S.R. *In Vivo Sites of Uptake of Short- and Long-lived Circulating proteins: Clearance of Protein in Peripheral Tissue.* Birth Defects Original Article Series. 16:103-113, 1980.

Van Zile, J., Kilpatrick, M., Colwell, J. and Virella, G. *Effects of Soluble Immune Complexes from Diabetics on Platelet Aggregation and Activation.* Amer. Fed. for Clinical Research. 28:834, 1980.

Van Zile, J., Henderson, L., Baynes, J.W. and Thorpe, S.R. *(³H)-Raffinose, A novel Radioactive Label for Determining Sites of Catabolism of Proteins in Circulation.* J. Biol. Chem. 254:3547-3553, 1979.

Van Zile, J., Baynes, J.W. and Thorpe, S.R. *Use of a Non-biodegradable radioactive Tag to Determine the Site(s) of catabolism of Proteins in the Circulation.* Fed. Proc. 37:1438, 1978.

Application No. 09/834,208 G.
Thomas Wolf, Inventor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. 09/834,208 Confirmation No. 3950
Filing Date : April 13, 2001 Examiner: M. Mendoza
Applicant: G. Thomas Wolf Art Unit: 3731
For: Oxygen Mask Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Judy Levy IN SUPPORT
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Judy Levy, a Registered Nurse, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as a Registered Nurse for 33 years, particularly in the Emergency Department, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorly through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact that the straps do not

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

Date 05/07/2007

Judy Levy
Judy Levy

Judy Levy
9480 Fallson Ct.
Cincinnati, Ohio 45242
Work Phone: 513-745-1415
Home Phone: 513-791-1281

EDUCATION

| | |
|-----------|--|
| 1971-1974 | RN, Diploma Degree Nursing - Bethesda Hospital School of Nursing |
| 1997-1999 | Graceland College Out Reach Program |
| | EMT-B – Scarlet Oaks Vocational School |
| 2000 | EMT-P – Clark State Community College |
| 2001-2003 | RN/BSN program at University of Cincinnati |
| 2006 | BSN - Mt. St. Joseph College |
| | Goal: Masters degree |

EMPLOYMENT

| | |
|----------------|---|
| 1/2007-present | <i>Bethesda North Hospital-Director Paramedic Training Program/Supervisor Emergency Medical Services Group</i> Maintain quality, regulations, running of the Paramedic Training Program. Responsible for the instructors and their various duties. Oversee outreach continuing education for pre-hospital personnel. Responsible for budget, hiring, firing, performance appraisals and conflict resolution. |
| 2003-1/2007 | <i>Bethesda North Hospital – Clinical Team Manager, Emergency Department</i> Daily running of the Emergency Department, performance appraisals, scheduling, hiring, firing, conflict resolution |
| 2002-2003 | <i>Bethesda North Hospital – EMS Coordinator</i> Liaison between squads, hospitals, and personnel. Participates in education and training of trauma for pre-hospital, as well as hospital personnel. Clinical Instructor for the Bethesda Hospital Paramedic Training Program. Coordinate and teach continuing education as well as outreach ACLS, PALS, and PEPP Courses or area life squads. |
| 1998-2002 | <i>Bethesda North Hospital – Paramedic Training Program Instructor</i> Instruct students, discipline, set up schedules for clinicals, precept students in the emergency department. |
| 1998-2002 | <i>Good Samaritan Hospital-EMS Coordinator</i> Liaison between squads, hospitals, and personnel. Clinical Instructor for the Bethesda Hospital Paramedic Training Program. Coordinate and teach continuing education as well as outreach ACLS, PALS, and PEPP Courses for area life squads. |
| 1979-present | <i>Bethesda North Hospital</i> Employed as a staff nurse in the emergency department with relief charge nurse responsibilities. Assisted with setting up the orientation program for new employees while also acting as a preceptor. Mentored student nurses and EMT students. Work closely with physicians and ancillary staff; staff schedule. |

| | |
|-----------|---|
| 1993-1994 | <i>Assistant EMS Coordinator</i> Coordinated continuing education classes for EMT's; published newsletter; worked on numerous projects within the realm of the EMS Community. |
| 1994-1996 | <i>ACLS Coordinator</i> Scheduled all the ACLS classes and instructors; supervised teaching in the classes; problem solved; assisted with teaching, supervision and evaluation of participants as well as instructors. |
| 1995-1996 | <i>PALS Coordinator</i> Scheduled class times and instructors; supervised and evaluated participants as well as instructors; supervised teaching in the classes; problem solved. |

CERTIFICATIONS

EMT-P – Clark State
 Advanced Cardiac Life Support Instructor
 Pediatric Advanced Life Support Instructor
 ITLS Instructor
 PEPP Instructor/Coordinator
 TNCC Provider

PROFESSIONAL ORGANIZATIONS

Emergency Nurses Association
 Hamilton County Pre-Hospital Care Association
 American Heart Association Ohio Regional ECC Committee

PRESENTATIONS

Multiple presentations to various life squads on geriatrics; pediatrics; cardiac; stroke; obstetrics; medical illnesses; trauma
 Presentations to senior groups on cardiac disease in the elderly.
 Orthopedic presentation to RNs.
 Assist with coordination of Trauma /Critical Care Symposium.
 Assist with coordination of TraumaScope.
 Presentation to staff at Patheon Pharmaceuticals, Inc. on Cardiac Issues.
 2000 - Presentations on geriatrics, cardiac case studies, and miscellaneous information at the 20th Annual Arrowhead EMS Association Conference in Duluth, Minnesota
 2000 – Geriatric Presentation at OAEMS Conference
 2003 – First Aid Presentation in conjunction with an injury prevention presentation at Speaking of Women's Health Seminar

Application No. 09/834,208 G.
Thomas Wolf, Inventor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. 09/834,208 Confirmation No. 3950
Filing Date : April 13, 2001 Examiner: M. Mendoza
Applicant: G. Thomas Wolf Art Unit: 3731
For: Oxygen Mask Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Kathleen Ballman IN SUPPORT
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Kathleen Ballman ,a nurse practitioner, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as a registered nurse for 30 years, particularly in the emergency department providing direct respiratory care and in pre-hospital education providing education to those who render emergency respiratory care, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorally through said points of attachment. Unlike other oxygen masks currently

being used today, this oxygen mask is unique in the fact that the straps do not Application No.
09/834,208 / G. Thomas Wolf, Inventor

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

Date 5/07/2007


Kathleen A. Ballman

KATHLEEN A. BALLMAN

6031 Yosemite Drive
Cincinnati, Ohio 45237
(513) 351-6907
Kathe_Ballman@TriHealth.com

EDUCATION

2003- 2005 University of Cincinnati Cincinnati, Ohio
College of Nursing
MSN/Adult Acute Care/Adult Primary Care Nurse Practitioner

Clinical internships:

Karen Rahe, NP, Internal Medicine
Dr. Tamala Zimmerman, Deaconess, Emergency Department
Dr. Steven Blatt, Good Samaritan Hospital, Infectious Disease
Cincinnati Health Department, STD Clinic
Dr. Juan Mejia, Good Samaritan Hospital, Hospitalist Group

2001 - 2003 University of Cincinnati Cincinnati, Ohio
RN/BSN Program
BSN
Graduated Magna Cum Laude

Fall, 2000 Clark State College Springfield, Ohio
Paramedic Theory for RN's
Paramedic certification

1980 – 1981 University of Cincinnati Cincinnati, Ohio
Liberal Arts Courses
General courses taken to apply to a degree

1974 – 1977 Bethesda Hospital School of Nursing Cincinnati, Ohio
Registered Nurse
Diploma school in conjunction with Edgecliff College (Xavier University)

PROFESSIONAL EXPERIENCE

2006 – Present Bethesda North Hospital Cincinnati, Ohio
Heart Failure Specialist

Provides health care services that promote, improve and manage health care for the heart failure patient. Evaluates the processes involved in the continuum of care for the patients and families. Works collaboratively with a multi-disciplinary team to care for the patient and their families during their hospital stay. Assumes the roles of educator, researcher and consultant for the patients, families and care team.

PROFESSIONAL EXPERIENCE

(Continued)

Bethesda Hospital Paramedic Training Program and TriHealth's Emergency Medical Services Group. In addition to supervisory responsibilities, this position is accountable for educational programs including initial paramedic education, continuing education geared toward EMS and nursing and assist with educational programs for the Core Trauma Team at Bethesda North Hospital. This department is part of Trauma Services and the position answers directly to the Trauma Medical Director.

Coordinator of Bethesda Hospital's Paramedic Training Program and Supervisor for the Emergency Medical Services Group (EMSG). The EMSG is made up of EMS Coordinators for the four TriHealth Emergency Department, Bethesda North, Bethesda Oak, Good Samaritan and Bethesda Warren County. Responsibilities included education coordination and public relations with the prehospital care community.

Combined role as a prehospital care liaison/educator/coordinator and a clinical instructor for Bethesda Hospital's Paramedic Training Program

1992 – 1993 Bethesda School of Nursing/Cincinnati State College
Interim Nursing Instructor – Level I
Clinical and lab instructor for freshman nursing students for 2 quarters

1987 – 1993 Bethesda North Hospital Cincinnati, Ohio
Emergency Department Charge Nurse

Responsible for the direct front line management of an ED with a census of 50,000 patients a year, 30% of which were pediatric patients. Responsible for selection and orientation of all new employees.

1977 – 1987 Bethesda North Hospital Cincinnati, Ohio
Critical Care Nurse/Part-time Charge Nurse/Staff Nurse

When not functioning as a staff nurse, role varied by either taking responsibility for the care and treatment of critical patient in the ED while there, waiting for bed assignments. Also served as a relief charge nurse daily between 1985 through 1987

PROFESSIONAL MEMBERSHIPS

American Association of Heart Failure Nurses (AAHFN)

Sigma Theta Tau – Honor Society of Nurses

Emergency Nurse Association (ENA)

Tri-State Assembly of Advanced Practice Nurses (TAAPN)
Ohio Association of Advanced Practice Nurses (OAAPN)
Ohio Instructor Coordinators Society (OICS)
Ohio Nurses Association (ONA)
Southwestern Ohio Pre-Hospital Care Subcommittee
Southwestern Ohio EMS Protocol Committee
Ambulance Diversion Committee, Southwestern Ohio

AWARDS

2005-2006 - The Outstanding Graduate Student of the Year Award -University of Cincinnati, College of Nursing
2005 - Franz Scholarship - University of Cincinnati, College of Nursing
2005 - Lamber-Pautz Scholarship - Bethesda School of Nursing Alumni
2004 - 2005- Achieve Competence Today (ACT II) Scholar - Sponsored by The Robert Wood Johnson Foundation in conjunction with the University of Cincinnati, College of Nursing, College of Medicine and The University Hospital
2003 - George and Ester Spangler Scholarship - University of Cincinnati, College of Nursing
2002 - Charles Fleischmann Scholarship - University of Cincinnati, College of Nursing
2002 - Meredith Shriner Scholarship - Bethesda Hospital

PERSONAL DATA

Age 50
Married (Gregory)
3 Children (Jennifer 24, Christine 21, Casey 18)

INTERESTS & ACTIVITIES

Involvement with children's academic and sporting activities
Backpacking
Travel

CERTIFICATIONS & LICENSURES

Registered Nurse, (RN) State of Ohio
Certified Nurse Practitioner, (CNP) State of Ohio

**CERTIFICATIONS
& LICENSURES**

(Continued)

- Certified Emergency Nurse (CEN)
Trauma Nurse Core Curriculum (TNCC)
Nationally Registered EMT-Paramedic, State of Ohio (NREMT-P)
Paramedic Instructor, State of Ohio (EMSI)
Advanced Disaster Life Support (ADLS) Provider/Instructor/Coordinator
Advanced Cardiac Life Support (ACLS) Provider/Instructor
Pediatric Advanced Life Support (PALS) Provider/Instructor
Pediatric Education for Pre-Hospital Providers (PEPP) Provider /
Instructor/Coordinator
Neonatal Resuscitation Program (NRP) Provider
Basic Trauma Life Support (BTLS) Provider/Instructor/Affiliate Faculty
Basic Life Support (BLS) Provider/Instructor
Geriatric Education for Emergency Medical Service (GEMS)
Provider/Instructor/Coordinator
Pediatric First-Aid Instructor, State of Ohio
Communicable Disease Instructor, State of Ohio

Application No. 09/834,208 G.
Thomas Wolf, Inventor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. 09/834,208 Confirmation No. 3950
Filing Date : April 13, 2001 Examiner: M. Mendoza
Applicant: G. Thomas Wolf Art Unit: 3731
For: Oxygen Mask Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.132 OF Raymond P. Mueller, Jr. IN SUPPORT
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Raymond P. Mueller, Jr. a Registered Nurse and Paramedic, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked as an RN for 18 years particularly in the field for cardiac intensive care and emergency medicine, and as a Paramedic for 27 years, see attached resume;
2. I am familiar with the invention entitled "Oxygen Mask," and described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorally through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact the straps do not

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

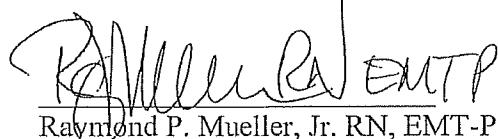
3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date

Respectfully submitted,



Raymond P. Mueller, Jr. RN, EMT-P

Application No. 09/834,208 G.
Thomas Wolf, Inventor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application No. *09/834,208* Confirmation No. 3950
Filing Date : April 13, 2001 Examiner: M. Mendoza
Applicant: G. Thomas Wolf Art Unit: 3731
For: **Oxygen Mask** Docket No. 0022.010001

**DECLARATION UNDER 37 C.F.R. §1.32 OF [name inserted here] IN SUPPORT
OF APPLICANT'S REPLY AFTER FINAL REJECTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Sandra M. Wolf Tomlin, a registered respiratory therapist, and having knowledge of the invention, for which a US Patent application has been applied, under the Serial number 09/834,208 and filed on April 13, 2001, declares as follows:

1. I have worked in the field of Respiratory Care since 1977. I can say, without a doubt, that I have never seen a mask with the same attachment device configuration in any area that I have worked. Areas that I have experience in are the following; adult medical/surgical, intensive/ cardiac care and emergency response and emergency room; pediatric medical/surgical, convalescent, intensive/cardiac care, emergency response and emergency room and transport; neonatal intensive care nursery, transport and ECMO; pulmonary function and sleep study testing. Places of employment include, but are not limited to, Supervisor- Middletown Regional Hospital, Middletown, OH and Supervisor-

Children's Hospital Medical Center, Cincinnati, Ohio. I have a Bachelors of Science degree in Clinical Sciences with a major in Respiratory Therapy. See attached resume.

2. I am familiar with the invention entitled "Oxygen Mask," as described in the claims, in particular, an oxygen mask with a pair of elastic bands, both ends of each pair affixed at points of attachment to each of both sides of the oxygen mask, and the bands extendible to loop over and around each ear of the patient and securable to said patient by pulling the ends anteriorally through said points of attachment. Unlike other oxygen masks currently being used today, this oxygen mask is unique in the fact that the straps do not Application No. 09/834,208 / G. Thomas Wolf, Inventor

go around the patient's head, but attach by looping around the ears. The oxygen mask can be tightened without the use of straps, buckles, or other devices needed to hold tension on the straps at the point of attachment. The oxygen mask can be tightened by simply pulling on any one of the 4 points of attachment or a combination thereof.

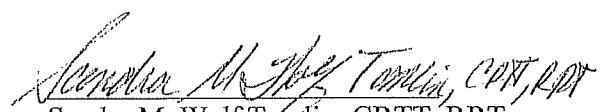
3. This is desirable in situations where cervical spine injury is suspected. If any movement of the head or neck is incurred, it can have drastic consequences on the well being of the patient. This oxygen mask will allow emergency personnel to apply the oxygen mask without having to move or lift the patient's head. I am currently not aware of any oxygen mask on the market to date that can make this claim.

4. This oxygen mask will allow the person applying the oxygen mask to simply place it on the face of the sick or injured person and loop the straps around each ear. This method of attachment can also be used on any patient regardless of size or age.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Respectfully submitted,

May 14, 2007
Date


Sandra M. Wolf Tomlin, CRTT, RRT

Curriculum Vitae

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| Name: | Sandra Marie Wolf Tomlin Home |
| Address: | 5725 Fawn Run Drive Mason, OH 45040-9523 |
| Education: | Small Business Start-Up 1 & 2 Cincinnati State Technical College Wheeling Jesuit University Bachelors of Science in Clinical Sciences Majored in Respiratory Therapy Graduated Registry Eligible |
| Credentials: | Registered by the National Board of Respiratory Therapy June 1983, Registry # 18,889 Certified Respiratory Therapy Technician December 1981 CPR Instructor of American Red Cross May 1986 to 1990 |
| Professional Experience: | Respiratory Care Supervisor Children's Hospital Medical Center Cincinnati, Ohio March 1986 to August 1989 Respiratory Care Supervisor Middletown Regional Hospital Middletown, Ohio November 1983 to March 1986 Team Leader of Respiratory Care The Jewish Hospital Cincinnati, Ohio February 1982 to November 1983 Staff Respiratory Therapist The Jewish Hospital Cincinnati, Ohio May 1981 to February 1982 |
| Professional Associations: | American Association for Respiratory Care Ohio Society for Respiratory Care |

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| | Committee Member, Middletown Regional Hospital Support Group for patients and their families with lung disease |
| | Editor of Support Group Monthly Newsletter |
| | Member, Middletown Regional Healthworks |
| Professional Presentations: | <p>Current Trends in Neonatal/Pediatric Care April 13, 14, 1989 Topic: Airway Obstruction</p> <p>AARC Annual Meeting November 1986 Topic: "Transtaneous PO2 Monitoring During Neonatal Transport"</p> <p>Sycamore-Montgomery Life Squad June 1987 Topic: "Alupent and Hand Held Nebulizer Treatments: Description and Clinical Applications"</p> |
| Abstracts: | <p>Branson PS, Wolf SM, Guilfoile TD. Transtaneous PO2 monitoring neonatal transport Resp Care 1986;31(10).</p> <p>Langenbrunner P, Branson PS, Wolf SM. Case Study on a radial arterial catheterization complication.</p> <p>Wolf SM, Langenbrunner P, Donnovan EF, Hicky F. Risk of hyperoxia with pulse oximetry in neonatal care.</p> |
| Chapter: | Wolf SM. Gas regulators and flow meters. Respiratory Care Equipment. |